IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 264 of 2002 (M/B)

People's Union for Civil Liberties,
Uttaranchal Branch,
17-A Mussoorie Dehradun Development Authority,
Dehradun through its Member of Executive Committee
Sri Rajiv Lochan Singh. ……. Petitioner.

Versus

1. State of Uttaranchal
   through Secretary, Department of Housing
   Dehradun.
2. Mussoorie Dehradun Development Authority,
   Dehradun.
   Through its Vice Chairman / Secretary.
3. Haridwar Development Authority,
   Haridwar through its
   Vice Chairman/Secretary
4. Lake Development Authority,
   Nainital through its
   Vice Chairman /Secretary. …… Respondents.

Mr. Siddarthan Sah, Advocate for the petitioner.
Mr. N.C. Gupta, Standing Counsel for respondent No. 1.
Ms. Puja Banga, Advocate for respondents Nos. 2 and 3.
Mr. U.K. Uniyal, Senior Advocate assisted by Mr. Shobhit Saharia, Advocate for respondent No. 4.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Siddarthan Sah, Advocate for the petitioner.

Mr. N.C. Gupta, Standing Counsel for respondent No. 1.

Ms. Puja Banga, Advocate for respondents Nos. 2 and 3.

Mr. U.K. Uniyal, Senior Advocate assisted by Mr. Shobhit Saharia, Advocate for respondent No. 4.

They are heard.

2. The petitioner has filed this writ petition as 'Public Interest Litigation' for the following reliefs:

> "A. Issue a writ, order or direction in the nature of mandamus striking down the U.P. Urban Planning and Development Act 1973 and U.P. Special Area Development Act 1986.

B. Issue a writ, order or direction in the nature of mandamus dissolving the respondent No. 2, 3 and 4.

C. Issue any suitable writ or direction in the nature which this Hon'ble Court may deem fit and proper in the circumstances of the case.

D. awards the cost to the petitioner of the writ petition."

3. From the above-quoted reliefs sought by the petitioner, it is apparent that the petitioner is challenging constitutionality/ validity of U.P. Urban Planning and Development Act, 1973 and U.P. Special Area Development Act, 1986.

4. The Apex Court, in the case of **Guruvayoor Devaswom Managing Committee and another Vs. C.K. Rajan and others** reported in **(2003) 7 SCC 546** has observed in para 50 that ordinarily the High Court should not entertain a writ petition by way of Public Interest Litigation questioning the Constitutionality or validity of a statute or statutory rule.

5. On due consideration of the averments in the writ petition, we do not find any extra-ordinary circumstances in the case, which may warrant entertainment of the writ petition for the reliefs sought by the petitioner as 'Public Interest Litigation.'

6. In this view of the matter, the writ petition is liable to be dismissed and is, hereby, dismissed.

(Prafulla C.Pant, J.) **(Rajeev Gutpa,C.J.)**
10.05.2006 **10.05.2006**

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